



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Pre-proposal Statement of Inquiry was filed as WSR 06-06-108; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 16-302-480 Field standards for rapeseed certification.

Hearing location(s):

Washington State Department of Agriculture
21 N 1st Avenue
Yakima, WA 98902

Date: June 29, 2006 Time: 11:00 a.m.

Submit written comments to:

Name: Dannie McQueen
Address: P.O. Box 42560
Olympia, WA 98504-2560
e-mail: dmcqueen@agr.wa.gov
fax (360) 902-2085 by (date) 5 p.m. on June 29, 2006

Assistance for persons with disabilities: Contact

The agency receptionist by calling.

TTY (360) 902-1996 or (360) 902-1976

Date of intended adoption: July 19, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rule is to increase the isolation distances for Rapeseed seed fields from other crucifer species that are possible sources of pollen contamination to ensure varietal integrity under the seed certification program.

Reasons supporting proposal: These changes are in anticipation of the increased production of crucifer crops for bio-fuels. With the increased acreage it will be important to have increased isolation for certified seed production to ensure that Rapeseed seed fields are protected from potential pollen contamination. This will help the seed producers of Washington meet the growing demand of providing seed stock to the bio-fuel producers.

Statutory authority for adoption: RCW 15.49.310 and Chapter 34.05 RCW**Statute being implemented:** 15.49.310**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

May 23, 2006

NAME (type or print)

Robert W. Gore

SIGNATURE**TITLE:**

Assistant Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 23 2006

TIME

WSR

AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington Department of Agriculture, Tony Herrman – Monsanto, and Bill Wirth – Precision Seed Company

- ☒ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---|-----------------|----------------|
| Drafting..... Victor Shaul, Operations Manager | Yakima | (509) 225-2630 |
| Implementation.... Victor Shaul, Operations Manager | Yakima | (509) 225-2630 |
| Enforcement..... Fawad Shah, Program Manager | Yakima | (509) 225-2636 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

This rule has no financial impact on producers. This rule has no new regulatory or reporting requirements. The current certification standards already have an isolation component that requires producers to comply with. This will not change with this rule. This rule will have the impact of providing a protection mechanism for seed producers, thus providing a favorable environment for seed production. In consideration of these facts WSDA concludes that this proposal does not impose 'more than a minor' cost to the seed industry and therefore a SBEIS is not required according to RCW 19.85.030(1)(a).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed in RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-480 Field standards for rapeseed certification.
Field standards for the production of rapeseed are as follows:

(1) A portion of a rapeseed field may be certified if the area to be certified is clearly defined.

(2) A field producing foundation, registered or certified rapeseed, also known as Canola (*Brassica napus*), must be the minimum specified isolation distance from fields of any other variety ((or)) of *Brassica napus*, from fields of the same variety that do not meet the varietal purity requirements for certification, as ((given)) well as from fields of *Brassica rapa*, *Brassica oleracea*, and *Brassica juncea* as indicated in the following table:

| Class | Fields of Cross | Fields of Self |
|------------------------------------|---|-------------------------|
| | Pollinated Varieties Including Hybrids | Pollinated Varieties |
| Foundation | ((1,320 feet)) 1 mile | 660 feet |
| Registered | ((1,320 feet)) 1 mile | 660 feet |
| Certified | ((660 feet)) 1 mile | 330 feet |
| Different class of same variety | 165 feet | 165 feet |

These isolation distances are minimum and must be met in all cases. ~~((When isolating fields of different usage kinds, i.e., industrial type from edible type, it is recommended that distances of three miles for foundation and registered, and two miles for certified be used.))~~

(3) Volunteer plants may be cause for rejection or reclassification of a rapeseed field.

(4) Specific standards for rapeseed are:

| Factor | Maximum permitted in each class | | |
|------------------|---------------------------------|-------------------------|-----------|
| | Foundation | Registered | Certified |
| Other varieties* | None found ¹ | None found ¹ | 1.00% |

* Other varieties are considered to include *Brassica rapa*, *Brassica oleracea*, *Brassica juncea*, off-type plants of *Brassica napus* and plants that can be differentiated from the variety being inspected.

¹ None found means none found during the normal inspection procedures. None found is not a guarantee to mean the field inspected is free of the factor.

(5) Inspection will be made by the certifying agency when the crop is in the early flowering stage.